IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

WRS, INC., d/b/a WRS MOTION PICTURE LABORATORIES, a corporation,	CIVIL ACTION
	No. 00-2041
Plaintiff,	
vs.	
PLAZA ENTERTAINMENT, INC., a corporation, ERIC PARKINSON, an individual, CHARLES von BERNUTH, an individual and JOHN HERKLOTZ, an individual,	
Defendants.	

MOTON FOR ORDER DIRECTING DEFENDANTS, PLAZA ENTERTAINMENT, INC. AND ERIC PARKISON, TO SHOW CAUSE WHY DEFAULT SHOULD NOT BE ENTERED FOR FAILURE TO DEFEND

AND NOW comes WRS, Inc. d/b/a WRS Motion Picture Laboratories, a corporation, by and through its counsel, Thomas E. Reilly, P.C., and avers as follows:

1. On March 9, 2006, the Court conducted a Settlement Conference in the within case at which time Defendants, Eric Parkinson and Plaza Entertainment, Inc., appeared through their counsel, John Gibson.

2. At the Settlement Conference, through Attorney John Gibson, Defendants, Parkinson and Plaza Entertainment, Inc., notified the Court that they no longer intended to defend against the claim asserted by Plaintiff, WRS, Inc.

3. In addition, at the Settlement Conference, Plaintiff, Defendant John Herklotz and Defendant Charles von Bernuth, through counsel agreed to retain an accountant to review the Plaintiff's records as to damages claimed and to share the cost of the accountant.

4. Counsel for each party signed a Stipulation a copy of which is attached hereto as Exhibit "A" and which Plaintiff has caused to be filed with the Court.

5. On or about March 13, 2006 during the Counsels' discussions concerning the stipulation and the identity of the accountant to be retained, John Gibson advised Plaintiff's Counsel that Defendants Eric Parkinson and Plaza Entertainment, Inc. had decided to participate in the case and that contrary to his statement to the Court, John Gibson would not be withdrawing from the case.

6. Plaintiff's counsel asked attorney Gibson if Parkinson and Plaza would participate in the retention of the accountant and pay their respective share of the costs.

7. As of March 21, 2006, attorney Gibson was unable to confirm that Defendant Parkinson and Plaza Entertainment, Inc. would participate in the Defense of the case and Participate in the retention of the accountant.

8. Pursuant to F.R.C.P. 55(a), when a party against whom a Judgment for affirmative relief is sought has failed to plead or otherwise defend, the fact is made to appear by Affidavit or otherwise the Court shall enter the parties default.

8. By reason of the statement on the record by Attorney John Gibson that Defendants, Eric Parkinson and Plaza Entertainment, Inc., no longer intended to defend against the affirmative relief requested by WRS, WRS, Inc. was prepared to file a Request for Default as provided in F.R.C.P. 55(a). However, because of the subsequent discussions with attorney John Gibson, Plaintiff submits that the better course of action would be for Defendants Parkinson and Plaza Entertainment, Inc. to show cause why default should not be entered.

WHEREFORE, WRS, Inc., Plaintiff in the above-captioned matter, respectfully requests that the Court enter an order requiring Defendants Plaza Entertainment Inc. and Eric Parkinson to show cause why default should not be entered because they have failed to Defend the affirmative claims of Plaintiff and to prosecute the Counterclaim asserted by Plaza Entertainment, Inc. and absent a response, that the clerk be directed to enter default pursuant to F.R.C.P. 55(a).

THOMAS E. REILLY, P.C.

BY:____/s/ Thomas E. Reilly____

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